

Dwayne Rhodes v. Lonza Consumer Health, Inc., Southern Industrial
Constructors, Inc., and XYZ Corporation

ATTACHMENT
NOTICE OF REMOVAL

State Court Filings

STATE OF SOUTH CAROLINA
COUNTY OF RICHLAND

Dwayne Rhodes,

Plaintiff,

v.

Lonza Consumer Health, Inc., Southern
Industrial Constructors, Inc., and XYZ
Corporation,

Defendants.

IN THE COURT OF COMMON PLEAS
FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2020-CP-40-06049

AMENDED SUMMONS
(Jury Trial Demanded)

TO: DEFENDANTS ABOVE-NAMED AND THEIR ATTORNEYS:

YOU ARE HEREBY SUMMONED and required to answer the Complaint in this action, a copy of which is herewith served upon you, and to serve a copy of your Answer to the Complaint on the attorneys for Plaintiff at GaffneyLewis LLC, at their office located at 3700 Forest Drive, Suite 400, Columbia, South Carolina, 29204, within thirty days after the service hereof, exclusive of the day of such service, and if you fail to answer the Complaint within the time aforesaid, judgment by default will be rendered against you for the relief demanded in the Complaint.

RESPECTFULLY SUBMITTED,

s/ Amy L. Gaffney
Amy L. Gaffney (SC Bar No.: 06937)
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March 3, 2021

STATE OF SOUTH CAROLINA

COUNTY OF RICHLAND

Dwayne Rhodes,

Plaintiff,

v.

Lonza Consumer Health, Inc., Southern
Industrial Constructors, Inc., and XYZ
Corporation,

Defendants.

IN THE COURT OF COMMON PLEAS

FIFTH JUDICIAL CIRCUIT

Civil Action No.: 2020-CP-40-06049

AMENDED COMPLAINT
(JURY TRIAL DEMANDED)

TO: DEFENDANTS ABOVE-NAMED AND THEIR ATTORNEYS:

Plaintiff Dwayne Rhodes, complaining of Defendants, would respectfully show to the Court:

1. That Plaintiff is a citizen and resident of Fairfield County.
2. That Defendant Lonza Consumer Health, Inc. ("Defendant Lonza") is a corporation organized and existing under the laws of one of the States and having an operating site in Greenwood County, South Carolina.
3. That Defendant Southern Industrial Constructors, Inc. ("Defendant Southern Industrial") is a corporation organized and existing under the laws of one of the States and having an operating site in Richland County, South Carolina.
4. That Defendant XYZ Corporation is a corporation whose identity is presently unknown, but which is presumed to be a South Carolina Corporation.
5. That on or about June 23, 2020, Plaintiff was employed by Century Contractors, Inc.

That, on that date, in furtherance of his duties as an employee of Century Contractors, Inc. Plaintiff was working onsite at Defendant Lonza's facility in Greenwood, South Carolina.

6. That on that day, Plaintiff sustained an injury after traversing a step ("the subject step") that was known to be the source of others' complaints about the step's size, the manner in which it was situated, and its design, among other deficiencies of which employers and contractors onsite at Lonza complained.
7. That, after traversing the subject step, Plaintiff twisted his right knee, ultimately requiring surgical intervention to repair his injury.
8. That Defendant Lonza had actual knowledge that the subject step was non code-compliant and a danger to those traversing it.
9. That, alternatively, in the exercise of reasonable diligence, Defendant Lonza should have known that the subject step was dangerous.
10. That Defendant Southern Industrial, upon information and belief, constructed the subject step. That Defendant Southern Industrial had actual or constructive knowledge that the subject step was dangerous.
11. That, upon information and belief, Defendant XYZ Corporation designed the subject step. That Defendant XYZ Corporation had actual or constructive knowledge that the subject step was dangerous.

FOR A FIRST CAUSE OF ACTION
(NEGLIGENCE)

12. Plaintiff realleges the allegations of the preceding paragraphs as if fully set forth herein verbatim.

13. That Defendants, jointly and severally, had a duty to remove any dangerous conditions such as the subject step from the Lonza facility where Plaintiff was performing work for his employer.
14. That further, Defendants, jointly and severally, had a duty not to design or construct a step such as the subject step that did not meet applicable safety regulations, building codes such as the International Building Code (“IBC”), or other recognized building standards.
15. That Defendants, jointly and severally, breached their respective duties to Plaintiff by designing, constructing, and not subsequently removing the subject step which was known, or in the exercise of reasonable diligence should have been known, to be defective in size, position, and materials, to be in violation of applicable building codes and standards, and to be dangerous.
16. That as a direct and proximate result of Defendants’ respective breaches, Plaintiff has been damaged and he has suffered significant bodily injury that required treatment including surgical intervention, and that will result in permanent injury, impairment and disfigurement to Plaintiff.
17. That Plaintiff is informed and believes that in compensation for the damages he has sustained as a direct and proximate result of Defendants’ breach of their respective duties of care, Plaintiff is entitled to an award of damages, including, but not limited to, actual, consequential, and punitive damages.

WHEREFORE, Plaintiff prays this Court award actual, consequential, and punitive damages in an amount to be shown at trial, plus interest, costs, reasonable attorneys’ fees and

such other and further relief as the Court may deem just and proper.

RESPECTFULLY SUBMITTED,

s/ Amy L. Gaffney
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March 3, 2021